

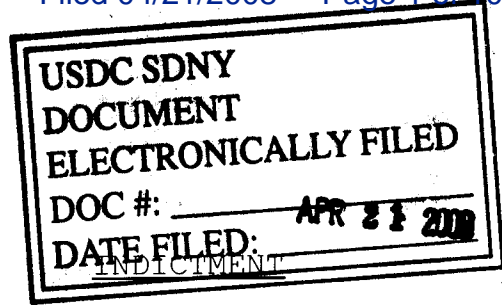
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

GIUSEPPE VALENTINO,

Defendant.



08 Cr.

08 CRIM 359

COUNT ONE

(Conspiracy)

The Grand Jury charges:

1. From at least in or about July 2007 through in or about April 2008, in the Southern District of New York and elsewhere, GIUSEPPE VALENTINO, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Sections 875(d) and 1341 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that GIUSEPPE VALENTINO, the defendant, and others known and unknown, unlawfully, knowingly, and wilfully, with intent to extort from a person money and other things of value, transmitted in interstate and foreign commerce communications containing threats to injure the reputation of the addressee, to wit, GIUSEPPE VALENTINO, in e-mail messages transmitted interstate via the Internet to a person in the Southern District of New York, in substance and in

part, threatened to injure that person's reputation by informing his family, his employer, and the public at large of his marital infidelities, in order to extort from that person hundreds of thousands of dollars, in violation of Title 18, United States Code, Section 875(d).

3. It was further a part and an object of the conspiracy that GIUSEPPE VALENTINO, the defendant, and others known and unknown, unlawfully, willfully, and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises - to wit, a scheme to defraud a person into paying hundreds of thousands of dollars by falsely representing, among other things, that "Rebecca" was an investigator with that person's employer and had contacts within the New York City Police Department who would stay a criminal case - for the purpose of executing such scheme and artifice, and attempting so to do, would and did place in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service and would and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and would and did take and receive therefrom, such matters and things, and would and did knowingly cause to be delivered by mail and such carriers according to the

directions thereon, such matters and things, in violation of Title 18, United States Code, Section 1341.

Means and Methods of the Conspiracy

4. Among the means and methods by which GIUSEPPE VALENTINO, and his co-conspirators, would and did carry out the conspiracy were the following:

a. GIUSEPPE VALENTINO, the defendant, and others known and unknown, communicated with a person (the "Victim") in New York, New York by means of telephone and e-mail.

b. In the course of these communications, GIUSEPPE VALENTINO, the defendant, and his co-conspirators, told the Victim that "Rebecca" was an investigator with the Victim's employer and knew of his marital infidelities.

c. In the course of these communications, GIUSEPPE VALENTINO, the defendant, and his co-conspirators, told the Victim that unless he paid hundreds of thousands of dollars, they would inform his family, his employer, and the public at large of his marital infidelities.

d. In the course of these communications, GIUSEPPE VALENTINO, the defendant, and his co-conspirators, further told the Victim that a 17 year old had filed criminal charges against the Victim, that "Rebecca" had contacts in the New York City Police Department who would stay a criminal case, and that unless the Victim paid hundreds of thousands of dollars

to that 17 year old and a member of the New York City Police Department, the Victim would be arrested.

e. GIUSEPPE VALENTINO, the defendant, and his co-conspirators demanded that the Victim make the payments to them by wire transfers and also by checks sent by Federal Express.

Overt Acts

5. In furtherance of said conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about September 5, 2007, GIUSEPPE VALENTINO, the defendant, and his co-conspirators contacted the Victim by e-mail, and informed him, in substance and in part, that unless he paid approximately \$297,500, the Victim's family, the Victim's employer, and the public at large would be informed of his marital infidelities.

b. On or about September 10, 2007, at the direction of GIUSEPPE VALENTINO, the defendant, and his co-conspirators, the Victim wired approximately \$47,000 from New York, New York to a bank account in California.

c. On or about September 12, 2007, at the direction of GIUSEPPE VALENTINO, the defendant, and his co-conspirators, the Victim wired approximately \$96,500 from New

York, New York to a bank account in California.

d. On or about September 12, 2007, at the direction of GIUSEPPE VALENTINO, the defendant, and his co-conspirators, the Victim wired approximately \$154,000 from New York, New York to a bank account in California.

e. In or about February 2008, GIUSEPPE VALENTINO, the defendant, and his co-conspirators, instructed the Victim to send via Federal Express approximately \$60,000 to an address in Newbury Park, California.

f. On or about February 28, 2008, at the direction of GIUSEPPE VALENTINO, the defendant, and his co-conspirators, the Victim sent via Federal Express a check of approximately \$60,000 from New York, New York to an address in Newbury, California.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Interstate Transmission of Threats)

The Grand Jury further charges:

6. The allegations in paragraphs 4 and 5 are repeated, re-alleged and reincorporated as if set forth fully herein.

7. From at least in or about July 2007 through in or about April 2008, in the Southern District of New York and

elsewhere, GIUSEPPE VALENTINO, the defendant, and others known and unknown, unlawfully, knowingly, and wilfully, with intent to extort from a person money and other things of value, transmitted in interstate and foreign commerce communications containing threats to injure the reputation of the addressee, to wit, GIUSEPPE VALENTINO, in e-mail messages transmitted interstate via the Internet to a person in the Southern District of New York, in substance and in part, threatened to injure the Victim's reputation by informing his family, his employer, and the public at large of his marital infidelities, in order to extort from that person hundreds of thousands of dollars.

(Title 18, United States Code, Sections 875(d) and 2.)

COUNT THREE

(Mail Fraud)

The Grand Jury further charges:

8. The allegations in paragraphs 4 and 5 are repeated, re-alleged and reincorporated as if set forth fully herein.

9. From at least in or about July 2007 through in or about April 2008, in the Southern District of New York and elsewhere, GIUSEPPE VALENTINO, the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by

means of false and fraudulent pretenses, representations, and promises - to wit, a scheme to defraud a person into paying hundreds of thousands of dollars by falsely representing, among other things, that "Rebecca" was an investigator with that person's employer and had contacts within the New York City Police Department who would stop a criminal case - for the purpose of executing such scheme and artifice and attempting so to do, did place in post offices and authorized depositories for mail matter, matters and things to be sent and delivered by the Postal Service and did deposit and cause to be deposited matters and things to be sent and delivered by private and commercial interstate carriers, and did take and receive therefrom, such matters and things, and did knowingly cause to be delivered by mail and such carriers according to the directions thereon, to wit, GIUSEPPE VALENTINO on multiple occasions, caused the Victim to send, by Federal Express, checks totaling approximately \$120,000 from New York, New York to an address in Newbury, California.

(Title 18, United States Code, Sections 1341 and 2.)

FORFEITURE ALLEGATION

10. As the result of committing one of more of the offenses, in violation of Title 18, United States Code, Sections 875(d) and 1341, alleged in Counts One through Three of this

Indictment, GIUSEPPE VALENTINO, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission the offenses, including, but not limited to, at least \$722,500 in United States currency, representing the amount of proceeds obtained as a result of the charged fraud offenses.

Substitute Asset Provision

11. If any of the above-described forfeitable property, as a result of any act or omission of the defendant, GIUSEPPE VALENTINO:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
- or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21,

United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 28, United States Code, Section 2461, and Title 18, United States Code, Sections 875(d) and 1341).


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

GIUSEPPE VALENTINO,

Defendant.

INDICTMENT

08 Cr. _____

(Title 18, United States Code,
Sections 371, 875(d), 1341 and 2)

MICHAEL J. GARCIA
United States Attorney

A TRUE BILL.

Sherry Picchioni
Foreperson.

*4/21/08 - Fld Indictment, case assigned to
Judge Sprizzo for all purposes.*

*S/Caton, Jr. U.S.M.G.
H.L.*

Pisot 4/1/08